

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

CRYSTAL A. LEWIS, et al.,

Plaintiffs,

No. C 03-04403 JSW

v.

BAYER CORPORATION, INC.,

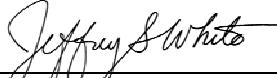
Defendant.

**ORDER RE DISCOVERY
DISPUTE RE INDEPENDENT
MEDICAL EXAMINATION**

The Court, having received the parties' joint letter regarding Plaintiff's refusal to submit to an Independent Medical Examination ("IME") by an examiner of Defendant's choosing, hereby GRANTS Defendant's request. Plaintiff shall submit to the IME to be performed by Dr. Randall B. Smith, Ph.D. on October 25, 2005. There is no dispute between the parties that Plaintiff's mental condition is in controversy. *See* Fed. R. Civ. P. 35(a). The Court finds that Plaintiff's objections to the designation of the specific examiner are premature. In addition, the Court cautions counsel to meet and confer in person in the future to resolve all discovery disputes as required by this Court's standing orders or face monetary sanctions.

IT IS SO ORDERED.

Dated: October 14, 2005



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE